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November 19, 2015

The Honorable James D. Peterson  
U.S. District Judge  
120 North Henry Street  
Madison, Wisconsin 53703

Re: *United States v. Sally Irii*,  
Case No. 15-cr-38-jdp

Dear Judge Peterson:

I write in response to the government's sentencing memo (docket no. 49), which I was able to share with Ms. Irii late today at the Dane County Jail. Given the gravity of the allegation regarding her miscarriage, Ms. Irii responds here to it before tomorrow's sentencing hearing.

Ms. Irii stands by her statement. Although the impulse to rejoin is strong here, counsel will not relay the details of her account of the incident because it diverts attention away from the sentencing hearing's primary issues. An attempt to resolve the government's allegation about Ms. Irii's reproductive health history takes the parties, and the Court, far afield from the hearing's core matters.

And the parties agree on the central objective facts underlying these core matters. Ms. Irii is a first-time offender. She was in a physically abusive relationship with her co-defendant. The loss amount attributed to her does not imply that she pocketed her "share" of the loot. He profited; she just subsisted, albeit very comfortably.

The Court can be confident that Ms. Irii doesn't have any cash socked away because Federal Defender Services represents her. Her co-defendant appears to have enough to retain private counsel, but apparently he didn't provide her with a "rainy-day" fund for the same luxury. Indeed, counsel had to purchase eyeglasses for her because she has been separated from her corrective lenses since her arrest and she could not read the discovery and the pleadings without them. Counsel had to get her the glasses just to do his job.

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The Court can also be confident that, as a practical matter, Ms. Iriri was a kept woman. Her co-defendant gave her gifts in exchange for her female voice and time. Of course, the luxury watches, handbags, clothes, and shoes he gave her reify the victim's losses in a way that galls us. But she wasn't getting rich; she just had nice things. One can't obtain health insurance with a Rolex, rent an apartment with a Fendi handbag, or pay tuition with Prada shoes. If she wanted anything, she had to go through him. She had comfort as long as he chose to keep her, but it would disappear instantly if he decided to leave.

He did leave her. As soon as she was arrested he didn't need her anymore, and he bolted. All the luxury goods in the world wouldn't get her a crack legal defense team.

Ms. Iriri confessed in a vehicle parked outside of her apartment building as law enforcement officers searched her residence. She was arrested and has been in custody ever since. The day of the search, her co-defendant denied everything and walked away.

In the months that followed, Ms. Iriri sat down with state and federal officers twice, for a total of about five hours, signed a variety of waivers to search her devices and email, and described in grim detail the fraud she and her co-defendant committed. And she's unlikely to get credit from the government for her help because it wants her to admit her marriage to an American is a sham. The government has the discretion to withhold any substantial assistance motion for her—that's its call. But she's given law enforcement a trove of information it wouldn't otherwise have. And she remains eager to answer their questions about her fraud.

These are the driving issues for the Court to address at Ms. Iriri's sentencing. She and the government disagree over the appropriate sentence given these aggravating and mitigating factors. The Court's task, as always, is to consider all of these factors and come to its own conclusions.

Kind regards,

*/s/ Peter R. Moyers*

Peter R. Moyers  
Associate Federal Defender

cc: Assistant United States Attorney Meredith Duchemin  
Ms. Iriri